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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,224

10/30/2003

Kwon-Hue Choi

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EXAMINER

CORRIELUS, JEAN B

ART UNIT

PAPER NUMBER

2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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2 MONTHS

03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/699,224	Applicant(s) CHOI ET AL.	
	Examiner Jean B. Corrielus	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/03 and 9/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-15 are objected to because of the following informalities: a goal to “a scrambling system” is set forth however, it is noted that the limitations recited in the body of the claim are not directed to a scrambling system. It appears that applicant intended to claim a “communication system”, if so the claim should be amended to replace “scrambling by “communication”. Claim 1, line 2, “CDMA” is mistyped as “DCMA”. As per claim 3, line 3, is the limitation “ a bit stream of kth user” the same as the recitation “a user’s bit stream” in claim 1, line 3? If so claim 3 line 3 should be amended to make use of antecedent in claim 1, line 3. Claim 3, line 6, “modulated” should be replaced by “generated”. Claim 3, line 9, “user’s” should be deleted. Claim 3, line 19, “and” should be deleted and after “chip”, “and outputting scrambled chip signals” so as to provide proper antecedent basis for subsequent recitation in claim 3, line 21. Claim 6 the acronyms “PAPR and PAPRo” should be expanded. The same comment applies to claims 7, 13 and 14. Per the preamble, claim 9 is directed towards a method claim, however the body of the claim only includes apparatus type limitations. Claim 11, line 5, “user’s” should be deleted. Claim 12 does not appear to further limit the base claim. Claim 12, line 2, recites “the scrambling codes” while claim 11, line 11, recites “the scrambling code”. Claim 12 should be amended to delete the “s” from “codes” or replacing “code” by “codes” in claim 11. Claim 16, a goal to a “recording medium is set forth in the preamble. However, the body of the claim is not directed to a “recording

medium". "Claim 16, line 5, "user's" should be deleted. Note that any claim whose base claim is objected is likewise objected. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the limitation "the user's orthogonal code" lacks of proper antecedent basis.

The same comment applies to claim 9.

Claim 2, the limitation "the user's orthogonal code combination" and "the identical user's orthogonal code combination" lack of proper antecedent basis.

Claim 3, the limitation "the PAPR performance measure, PAPRo" lacks of proper antecedent basis. The same comment applies to the limitation "the output signal clipping probability" as recited in the claim.

Claim 7, "The PAPR" and "the current user's orthogonal code combinations" lack of proper antecedent basis.

Claim 8 "the scrambling patterns" lacks of proper antecedent basis.

Claim 10, the identical user's orthogonal code combination" lack of proper antecedent basis.

As per claim 13, see claim 6.

As per claim 14, "The PAPR" and "the current user's orthogonal code combinations" lack of proper antecedent basis.

Note that any claim whose base claim is rejected is likewise rejected. Appropriate correction is required.

Information Disclosure Statement

4. The information disclosure statement filed 9/6/05 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. In addition such IDS made reference of a search report that was attached as part of the IDS. However, Such copy of the search report is not in the filed.

Allowable Subject Matter

5. Claims 16 would be allowable if amended to overcome the objection set forth above.


6. Claims 1-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B. Corrielus
Primary Examiner
Art Unit 2611

3-15-07